

23234. Adulteration and misbranding of Capsules Elixir Luminol, and misbranding of Capsules Sedative, Capsules Amidonal and Capsules Cincopyrans. U. S. v. Philadelphia Capsule Co., Inc., and Joseph McManus. Plea of nolo contendere. Judgment of guilty. Fine, \$150. (F. & D. no. 31342. Sample nos. 38157-A, 38158-A, 38168-A, 38169-A.)

Analyses of the products covered by this case showed that they contained certain drugs in amounts differing from the amounts declared on the label. The label of the Capsules Sedative bore unwarranted curative and therapeutic claims and the label of the Elixir Luminol failed to bear a statement of the quantity or proportion of alcohol contained therein—approximately 16.7 percent by volume.

On June 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Philadelphia Capsule Co., Inc., a corporation, and Joseph McManus, of Philadelphia, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about April 18 and April 22, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of Capsules Elixir Luminol which were adulterated and misbranded, and of quantities of Capsules Sedative, Capsules Amidonal, and Capsules Cincopyrans which were misbranded. The articles were labeled in part: "Capsules Elixir Luminol * * * Each Fl. Oz. Represents Phenobarbital 8 Grs."; or "Capsules Sedative Represents Ammonium Bromide 2½ Grs."; or "Amidonal Represents * * * Amidopyrine 2½ Grs."; or "Cincopyrans Represents * * * Amidopyrine 1½ Grs.", "Capsulated by The Philadelphia Capsule Co., Inc., Philadelphia, Pa."

The information charged adulteration of the Elixir Luminol in that its strength and purity fell below the professed standard and quality under which it was sold, since each fluid ounce was represented to contain 8 grains of phenobarbital, whereas each fluid ounce contained less than 8 grains, namely, not more than 6.44 grains of phenobarbital.

Misbranding of all products was alleged in that the statement, "Each fl. Oz. represents Phenobarbital 8 grs.", with respect to the Elixir Luminol, was false and misleading, since each fluid ounce of the article contained less than 8 grains of phenobarbital; in that the statement, "Capsules Sedative represents Ammonium Bromide 2½ gr." with respect to the Capsules Sedative, was false and misleading, since each capsule contained more than 2½ grains, namely, not less than 3.1 grains of ammonium bromide; in that the statement, "Amidopyrine Grs. 2½", with respect to the Amidonal capsules, was false and misleading, since each of said capsules contained more than 2½ grains, namely, not less than 2.807 grains of amidopyrine; and in that the statement, "Amidopyrine Grs. 1½", with respect to the Cincopyrans capsules, was false and misleading, since each of said capsules contained more than 1½ grains, namely, not less than 1.87 grains of amidopyrine. Misbranding of the Capsules Sedative was alleged for the further reason that certain statements on the bottle label, falsely and fraudulently represented that the article was effective as a treatment for nervousness and insomnia due to overwork or worry, sexual excess, epilepsy, or delirium. Misbranding of the Elixir Luminol was alleged for the further reason that it contained alcohol and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On September 21, 1934, a plea of nolo contendere was entered and the court found the defendants guilty and imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

23235. Adulteration and misbranding of Madame Heil Ammon's Get Well, Eat Well, Gall Stone Remedy, Antiseptic Wash, and Stay Young; and misbranding of Madame Heil Ammon's Oil Gall Stone Remedy. U. S. v. Catherine Heil Ammon (Home Remedy Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31364. Sample nos. 2978-A, 10862-A to 10865-A, incl. 33787-A, 33788-A, 33793-A, 33794-A, 34041-A, 34042-A.)

This case was based on interstate shipments of certain "Madame Heil Ammon's" remedies, the labeling of which contained unwarranted curative and therapeutic claims. The Get Well, Eat Well, Gall Stone Remedy, and Stay Young contained less alcohol than declared on the labels. Bacteriological tests of the Antiseptic Wash showed that it was not an antiseptic when used as directed.

On August 14, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in